

MEETING MINUTES

Conservation Commission
Waterford Town Hall

May 26, 2011
7:00 PM

Members Present: Gary Johnson, Harold Hansen, Nancy Hicks, David Lersch, Jeff Sims, and Henry Curtis.
Members Absent: Richard Muckle (notified absence)
Alternates Present: (2 vacancies)
Alternates Absent: Wade Thomas (notified absence)
Staff Present: Maureen FitzGerald, Environmental Planner
Katrina Kotfer, Recording Secretary

1. CALL TO ORDER AND APPOINTMENT OF ALTERNATES

Chairman G. Johnson called the meeting to order at 7:06 p.m.

2. APPROVAL OF THE May 12, 2011 MEETING MINUTES

MOTION: Motion made J. Sims, seconded by N. Hicks, to approve the minutes of the May 12, 2011 meeting as written.

VOTE: 6-0-0

3. PUBLIC HEARING

#2011-009 – Town of Waterford: Revisions to Sections 7, 8, 10, 11, 12, 14, & 20, Town of Waterford Inland Wetlands & Watercourses Regulations; Owner & Applicant – Town of Waterford Conservation Commission. (35-day hearing period expires 6/29/11)

G. Johnson opened the hearing at 7:08 p.m. and read the Notice of Public Hearing published in The Day newspaper on Thursday, May 12, 2011 and Thursday, May 19, 2011 and the list of exhibits into the record.

M. FitzGerald submitted two additional exhibits into the record.

Exhibit 12 Comments from Thomas Wagner, Planning Director dated May 24, 2011 with attachment of Chapter 16.08 Land Use Processing Fees from the Waterford Code of Ordinances.

Exhibit 13 Alternative Section 20, revised 5/24/2011, revisions per Planning Director's comments dated 5/24/2011 and Chapter 16.08 of the Waterford Code of Ordinances.

M. FitzGerald reviewed the application, noting the proposed changes to Sections 7.7, 8.3, 10.8, 10.9, 10.10, 11.6 and 12.2 are to update the Town's Inland Wetlands and Watercourses regulations to reflect changes in the State Inland Wetlands and Watercourses Act due to legislation changing the Connecticut General Statutes. The proposed revisions to Sections 11.8

and 14.2 are to update the Town of Waterford Regulations to be consistent with the DEP Inland Wetland Watercourses Model Regulations. She stated the proposed changes were approved by the Conservation Commission in November, 2010.

M. FitzGerald reviewed Exhibits 12 and 13 with the Commission. Exhibit 13 offered a revised Section XX: Fee Schedule, dated 5/24/2011, based on the current Town Code of Ordinances Chapter 16.08 – Land Use Application Processing Fees and the advertising cost associated with public hearing notices.

M. FitzGerald stated that the proposed text changes offered in Exhibit 13 are not substantive changes but provide consistency with the Town's existing code of ordinances for application fees, therefore not requiring modifications to the existing code of ordinances. She stated proposed Section 20.5 will include a reference to Chapter 16.08.030B of the Code of Ordinances, proposed Section 20.6 will include a reference to Chapter 16.08.040 of the Code of Ordinances and proposed Section 20.7 will be re-written to just refer to waivers and exemptions in Chapter 16.08.040 in the Code of Ordinances.

D. Lersch and H. Curtis questioned how low and moderate income households are determined under the waiver provision. M. FitzGerald stated that definition of low or moderate housing is defined by the state.

M. FitzGerald stated that staff finds the alternative Section 20 presented in Exhibit 13 to be a much simpler change and consistent with existing ordinances regarding application fees.

The Commission reviewed the proposed changes to Section 20.4 presented in Exhibit 13. The proposal removes the existing \$60.00 State of CT fee from the minor and major impact permit application fees. A note beneath the fee schedule indicates with an asterisk that all permit applications are subject to an additional fee collected for the State of Connecticut. She noted this is consistent with the Waterford Code of Ordinances. D. Lersch recommended adding a corresponding asterisk to the title Fee Schedule.

The Commission discussed the proposal to include a new public hearing fee in the fee schedule to cover more of the actual costs associated with advertising public hearings and the Commission's decision. M. FitzGerald stated the proposed \$400 fee was based on actual costs incurred to advertise the hearing and to post the decision of the Commission in The Day.

G. Johnson stated he was in favor of the revised fee schedule proposed in Exhibit 13 and that public hearing fee makes a lot of sense to assist in covering the advertising fees. He also spoke of recent Board of Finance and RTM budget hearings.

G. Johnson asked if anyone in the audience would like to speak and opened the hearing to public comment.

Dana Award, Planning & Zoning Commission member, 11 Woodsea Place, questioned a reference to 7.8(c) in proposed section 7.7(d) and proposed sections 10.8, 10.9 and 10.10. He noted the revised regulations do not contain a section 7.8(c). M. FitzGerald found that it was an

error and the referenced section should be indicated as 7.7(c). She stated that the correction will be made to the final text.

Mr. Award questioned how proposed section 7.7 applied to applications. M. FitzGerald reviewed the notification process required by the CT State statutes regarding properties with conservation easement restrictions.

Mr. Award questioned the proposed extension of time frames for permits. M. FitzGerald stated the legislature changed the CT General Statutes.

G. Johnson asked the public if anyone would like to speak further.
No additional comments were offered.

MOTION: Motion made H. Curtis, seconded by J. Sims, to close the public hearing on application 2011-009 at 7:55 p.m.

VOTE: 6-0-0

The Commission adjourned for a five minute break at 7:55 p.m.
The meeting resumed at 8:00 p.m.

4. APPLICATION REVIEWS

#2011-011– 51 Shore Road: Vegetation Clearing in Wetland; Owner & Applicant – Christopher & Leanne Antonino. (Action Date: 7/1/11, Last Meeting Date: 6/23/11)

Christopher Antonino submitted restoration plan notes to the Commission and reviewed a marked up site plan. The plan shows a new proposed non encroachment line in red that he is asking the Commission to approve. The new line has been reduced to border the east edge of the wetland along wetland flags 6 through 2 and south of the wetland to border the stone wall. The proposed fence will be installed at the east edge of the wetland. Native bushes will be installed to restore shade for the wetland and the stumps that were cut will be cut flush to the ground. No grinding or pulling of stumps is proposed to occur in the wetland area.

G. Johnson noted the plan now shows the fence outside of the wetland boundary and uses the stone wall as a physical boundary. The affected wetland will be planted with native shrubs.

D. Lercsh questioned about how the fence posts will be installed and stated that there seems to be a balance with this plan. C. Antonino replied there is a definite line where there will be stump and root removal to install the fence.

J. Sims questioned what activity was proposed south of the stone wall. C. Antonino stated he proposes moving the non-encroachment line to a fixed object and he has no plans to do anything in the area south of the wall at this time except maybe some clearing. He would like to restore the existing gap in the stone wall.

H. Hanson questioned the Antoninos if they were happy with this plan. C. Antonino replied and said they “feel good about the plan”.

MOTION: Motion made J. Sims, seconded by N. Hicks, to prepare a draft permit for application #2011-011 to modify the existing wetland non-encroachment limit, authorize filling and grading adjacent to the east side of the wetland, and include restoration of the wetland area in accordance with the revised plan as submitted.

Discussion of Motion: H. Curtis stated that he would like to have a clear definition of the justification of why the modification is being allowed and include a finding that the modification does not pose any significant degradation to the wetland. G. Johnson noted that the modification also provides a measure of delineation of the non-encroachment boundary that will help protect the wetland in the future.

VOTE: 6-0-0

MOTION: Motion made J. Sims, seconded by D. Lersch to modify the agenda to discuss the violation at 51 Shore Road and the approved corrective actions.

VOTE: 6-0-0

VIOLATION – 51 Shore Road

G. Johnson noted the remediation plan for the wetlands as proposed consists of 12-15 plantings, no fill or machinery acting in the wetland, and the owner shall coordinate with staff as to the type and location of the restoration plants and location of the fence.

MOTION: Motion made D. Lersch, seconded by J. Sims to prepare a letter of corrective action for the violation at 51 Shore Road approving the wetland restoration in accordance with the site restoration plan and permit authorization drafted this evening by the Commission.

VOTE: 6-0-0

4. APPLICATION REVIEWS - continued

#2011-013– 28 Butlertown Road: Grading and Slope Stabilization; Owner & Applicant – Alison & Norm Sylvia, Agent – Edward H. Wenke III, PE. (Action Date: 7/15/11, Last Meeting Date: 7/14/11)

Alison Sylvia, owner, was present. She asked to have the application continued until next meeting as her agent was unable to attend the meeting. Mrs. Sylvia reviewed the proposed re-grading of the slopes at 28 Butlertown Road, using fill brought to the site about 15 years ago.

G. Johnson asked about the status of the wetland restoration planting. A. Sylvia replied that they have not started but plan to do it this weekend. Not all of the shrubs have been ordered yet. She explained that re-growth has occurred and they are not sure what they should remove to install the plants.

G. Johnson stated that the Commission had developed a thorough restoration plan for the property. G. Johnson asked A. Sylvia if the Commission can conduct a site walk of the property to see what action has been taken on the restoration plan and review what is proposed in the new application. He recommended possible dates of June 1, 2 or 7, 2011 and a time of 4:15 p.m.

A. Sylvia agreed to a site walk and said she will contact her agent to coordinate on a day and time, based on his availability. M. FitzGerald was directed to contact E. Wenke.

A. Sylvia was reminded that the Abatement Order deadline is May 31, 2011.

5. NEW APPLICATIONS

#2011-014– 16/69R Douglas Lane: Douglas Lane Reconstruction-Modification to Permit #06-19; Owner-Richard Morgan, Applicant-Town of Waterford Public Works Department, Agent-Neil Kulikauskas, Kleinfelder/SEA .

The application was accepted for review. M. FitzGerald stated a representative from DPW and the project engineers will be available to present the application to the Commission and answer questions at the next scheduled meeting.

#2011-015 – 24 Douglas Lane: Proposed Barn; Owner & Applicant – Richard T. & Michele L. Morgan, Agent – William F. Kent, R.L.S.

William F. Kent, R.L.S., agent and Richard Morgan, owner, were present for the application. W. Kent stated that R. Morgan is looking to have cows on his property and build a barn to house them and store hay and farm equipment. R. Morgan currently has an application submitted to the ZBA to get a variance on the location of the barn.

R. Morgan stated he plans to fence off the roadway between the ponds and keep the cows to the east of side of the ponds. He stated that due to the terrain of the ponds, the cows will not be able to enter the ponds only use them as a drinking source. The cows will be grazed in the mown fields and the existing CL&P easement area.

W. Kent stated that the property has always been used for farming and cows have been previously on the property, most recently 2003-2005. The proposed barn is 120 feet and 204 feet away from two wetlands on the property.

MOTION: Motion made J. Sims, seconded by H. Curtis, that the proposed barn and grazing activity is found to be a permitted use as of right under Section 4.1a.

VOTE: 6-0-0

#2011-016– 5 West Strand Road: Frame Shed; Owner – Barbara G. Allen, Estate, Applicant – Wayne Scott Allen, Agent – William F. Kent, R.L.S.

William F. Kent, R.L.S. was present on behalf of the owner. He stated the frame shed was built in the buffer area without permits and is currently in the process to receive the required permits. He stated the wetlands were delineated by Richard Snarski and the area to the rear of the existing house was filled. The shed is constructed on sonotubes close to the property line and the case is in court with the Town attorney for zoning violations.

The application was accepted.

6. VIOLATIONS

28 Butlertown Road: Abatement Order: August 17, 2010. Amended Abatement Order-12/8/10.

A site walk will be scheduled to review the status of the corrective planting.

7. OTHER BUSINESS

Request for Permit Renewal, 47 Pepperbox Road, Inland Wetlands Permit #04-01.

M. FitzGerald distributed a revised letter from W. F. Kent requesting an 8 year extension for permit #04-01.

MOTION: Motion made J. Sims, seconded by N. Hicks, to approve an 8 year extension of Inland Wetlands Permit#04-01. The new expiration date of the permit will be February 5, 2014.

VOTE: 6-0-0

Planning & Zoning Regulation Amendment, Seaside Preservation District, Application #PZ2011-009

The Commission reviewed the proposed regulation revision. G. Johnson questioned the impact to wetlands from possible removal of the structures. He noted the regulations do not include criteria for determining when a structure cannot be restored. He recommended the wetland resources be identified on the site.

M. FitzGerald stated the wetland resources need to be identified on a plan and efforts to conserve and restore the wetlands should be recommended.

H. Hanson stated the Commission will need to review where the wetlands are on the property and raised concern with the request for a conceptual plan approval. The level and degree of information required in an application in order for the Commission to make an informed decision in accordance with the inland wetland regulations was discussed.

G. Johnson asked if the site is served by public sewers restricted by the Clean Water Act, requiring demonstration of site suitability prior to connection. He expressed concern regarding the proposed density of the development in a low density zone.

The Commission asked that this item be added to the next Conservation Commission agenda.

MOTION: Motion made J. Sims, seconded by N. Hicks, to add discussion of application #2011-009 - proposed revisions to Sections 7, 8, 10, 11, 12, 14, & 20, Town of Waterford Inland Wetlands & Watercourses Regulations to Other Business.

VOTE: 6-0-0

#2011-009 – Town of Waterford: Revisions to Sections 7, 8, 10, 11, 12, 14, & 20, Town of Waterford Inland Wetlands & Watercourses Regulations; Owner & Applicant – Town of Waterford Conservation Commission. (35-day hearing period expires 6/29/11)

The Commission reviewed the public hearing record.

MOTION: Motion made N. Hicks, seconded by J. Sims, to accept the revised regulations to Sections 7, 8, 10, 11, 12, 14, & 20, Town of Waterford Inland Wetlands & Watercourses Regulations effective June 1, 2011 with the modification to incorporate the alternate Section 20- Fees dated 5/24/2011, identified as exhibit 13, and correction of the minor editorial errors as discussed.

VOTE: 6-0-0

8. CONSERVATION COMMISSION TASKS

No discussion.

9. CORRESPONDENCE

The Commission reviewed the correspondence received.

M. FitzGerald distributed a letter dated May 24, 2011 to Thomas V. Wagner, Planning Director and David Wittliff, Stahlman Group Re: Request for Bond Reduction , Coca Cola Bottling Plan, IWW Permit #2010-016.

10. PAYMENT OF BILLS

There were no bills.

11. ADJOURNMENT

MOTION: Motion by J. Sims, seconded by D. Lersch, to adjourn the meeting at 10:17 pm.

VOTE: 6-0-0

Respectfully Submitted,

Katrina Kotfer
Recording Secretary